

**CRIMINAL JUSTICE SERVICES BOARD
COMMITTEE ON TRAINING**

MINUTES

May 14, 2009

A meeting of the Criminal Justice Services Board Committee on Training (COT) convened at 9:07 a.m. on Thursday, May 14, 2009, in House Room D of the General Assembly Building, in Richmond, Virginia.

Members Present:

Sheriff Beth Arthur

Ms. Kathy Brame (*Proxy for Gene Johnson, Director, Department of Corrections*)

Mr. Robert L. Bushnell

Mr. Kevin S. Hodges

Chief Alfred Jacocks, Vice Chair

Chief James R. Lavinder

Mr. Edward M. Macon (*Proxy for The Honorable Karl R. Hade, Executive Secretary, Supreme Court of Virginia*)

Dr. Jay W. Malcan

Sheriff Charles W. Phelps, Chair

Captain Lenmuel S. Terry (*Proxy for Colonel Steve Flaherty, Superintendent, Virginia State Police*)

Mr. Sherman C. Vaughn

Mr. Christopher R. Webb

Members Not Present:

Sergeant Charles J. Condon

Ms. Marlene Randall

DCJS Staff Present:

Leon Baker
Ron Bessent
Donna Bowman
John Colligan
Sharon Gray

Judith Kirkendall
Paul Ludwig
Dawn Meeks
Lisa McGee
Thomas E. Nowlin

Melissa O'Neill
Mandie Patterson
Burton Walker
Beth White

Others Present:

Jody Atkins, *Virginia Commonwealth University Police Academy*
Mitch Banta, *Central Shenandoah Criminal Justice Training Academy*
Tom Bennett, *Newport News Police Department*
Donna Bollander, *Richmond Police Academy*
Craig Branch, *J. Sargeant Reynolds Community College Police Department*
Jim Chapman, *Roanoke County Police Academy*
Jon Cliborne, *Crater Criminal Justice Training Academy*
Stuart Cook, *Hanover Sheriff's Office*
Nicole V. Darly, *Virginia Commonwealth University Police Academy*
Allen Davidson, *Hanover Sheriff's Office*
Ramarr Drudhum, *Fairfax County Sheriff's Office*
Vince Ferrara, *Hampton Roads Criminal Justice Training Academy*
Jim Fox, *Newport News Police Department*
George Haudricourt, *A.D.T.*
Dave Hines, *Hanover Sheriff's Office*
Stacy Kelly, *Newport News Police Department*
Larry Kiefer, *Virginia Beach Sheriff's Office*
Alfred E. Miller, *Virginia Beach Sheriff's Office*
Albert C. Oglesby, *Northern Virginia Criminal Justice Academy*
Bill O'Toole, *Northern Virginia Criminal Justice Academy*
Shane Roberts, *Portsmouth Sheriff's Office*
David L. Rogers, *Department of Corrections/Academy for Staff Development*
Steve Short, *Roanoke County Police Department*
Joseph A. Sperry, *Henrico County Police*
Ronald Staton, *Central Virginia Criminal Justice Academy*
Dave Vice, *Rappahannock Regional Criminal Justice Academy*

Call To Order:

Sheriff Phelps called the meeting to order. The roll was called with twelve (12) members present, representing a quorum. Chairman Phelps noted that the minutes of the last meeting had been mailed to the members and asked if there were any questions or comments regarding the minutes. Hearing none, he asked for a motion to approve the minutes. Captain Terry made a motion to approve the minutes; Mr. Vaughan seconded, and the minutes were approved unanimously.

Public Hearings:

Changes to the Minimum Training Standards for Entry-Level Jail/Courtroom Security/Civil Process Service Officers

Sheriff Phelps officially opened the public hearing by reviewing the procedure that would be followed during the process. He noted that the hearing would deal with the 2008 Suggested Changes to Minimum Training Standards for Entry-Level Jail, Court Security, and Civil Process Service Officers. He introduced Judy Kirkendall to present a brief overview of the regulations and discuss their specific points. Ms. Kirkendall distributed a comment matrix and reviewed the comments. (*Copies are available upon request.*)

In discussing the comment from Lieutenant P. G. Weddle, Roanoke County Sheriff's Office, that shotgun training should remain as a requirement of firearms training; Ms. Kirkendall noted that the Curriculum Review Committee (CRC) recommended only those persons assigned to use a shotgun should be required to meet the shotgun training standard. She reminded the members that the need to change the rules giving the COT authority to remove these requirements in the Performance Outcomes was discussed during the May 2009 COT meeting. The APA process had to be completed prior to making any changes involving a performance outcome in the standards. She advised that staff started that process and the proposed changes had been submitted on a fast track basis. Ms. Kirkendall indicated that she had received a response from the Department of Planning and Budget (DPB) indicating that DPB would recommend the staff suggested changes. The next steps in the process included review and recommendation by the Office of the Secretary of Public Safety, which should take about two weeks, and then to the Governor's Office. She noted that the changes could not be put out for public comment until after a response from the Governor's Office is received. Ms. Kirkendall advised if she received a response by the end of June 2009, the changes could be posted for a 60-day public comment period and then be presented for a public hearing before the COT. She noted that one of the advantages would be that the entire process could take only nine months as opposed to the usual fourteen- to sixteen-month time frame.

Mr. Hodges asked about the comment made regarding the **Criteria 8.1.1**. Ms. Kirkendall responded the comment by Lt. Ron Brown, Riverside Regional Jail, suggested defensive driver training be offered at the end of the academy as specialized training. She mentioned that the CRC was recommending all individuals attending basic academy be trained in those categories although they might not be performing duties relating to those activities. This would allow flexibility for employing agencies to determine who should be trained and when. She noted that the Performance Outcomes would stay the same. However, the Training Objectives would have to be changed. Mr. Macon asked if there were any changes in **2.1**. Ms. Kirkendall responded there were no changes in **2.1**. Mr. Macon asked if the suggested changes would also have to be viewed by the Office of the Attorney General (OAG) to make those changes. Ms. Kirkendall mentioned that the annual changes to the standards did not go to the OAG for review. She noted the OAG reviewed the proposed changes to the rules and standards after the comprehensive job task analysis in 1997. Authority was given to the Committee on Training at that time to approve annual changes to the training objectives, criteria for testing, and lesson plan guide items. Ms. Kirkendall stated Mr. Bushnell shares the benefit of his legal expertise on the Law Enforcement CRC and welcome his participation on the Jail CRC.

Sheriff Arthur referred to **Performance Objective 4.5** in that the VADCJT suggested changing the language in **Criteria 4.5.14** to read, “Provide for inmate privileges according to the minimum standards for jails/lock-ups.” She indicated that set standards should not be regarded as privileges and that minimum standards should be considered as basic necessities and not as options. She noted that privileges were not additional rights and optional. Ms. Kirkendall asked Sharon Gray, Academy Director, DCJS Jails Training, to respond to the inquiry. Sheriff Arthur added that she usually took privileges from the inmates as discipline, e.g. their attending Narcotics Anonymous and Alcoholics Anonymous meetings. She noted, however, that she could not take the minimum standards, e.g. food, etc. Sharon Gray responded that the Jail CRC discussed that item and it came down to determining law (standards) as opposed to what was policy. She informed that they could not teach individual agency policies. Ms. Gray added that the standard was referring to additional privileges, such as more phone calls than the two calls required by state law when the individuals were being booked. Sheriff Arthur mentioned that she was concerned about the work privileges.

Mr. Bushnell indicated that he found it difficult to follow the suggested changes using the comment matrix. He noted that he thought it would be clearer if the materials were identified by the regulations in question as opposed to the source of the comment. Ms. Kirkendall informed that she could make those changes to have the matrix follow the regulations as opposed to the comments. Mr. Webb noted that comments from the Virginia Association of Directors of Criminal Justice Training (VADCJT) were very helpful. He suggested that if the CRC’s comments would be approved they would be a great improvement to the standards.

Chairman Phelps asked if there were any questions or comments and if there were any individuals who had pre-filed or signed-up to speak during the hearing. There were none. Ms. Gray asked to address the Committee. She advised that the Jails Training Section taught at twelve (12) academies and that she was also a member of the Jails CRC. She pointed out that **3.7** was overlooked by Ms. Kirkendall in the discussion. She mentioned that **3.7** was added to include items currently in the lesson plan guide on suicide prevention to criteria for testing. Mr. Webb asked if the inclusion was in response to Mr. Poff’s comments. Ms. Gray mentioned that **3.7** was recommended prior to the comments.

Chairman Phelps asked if the Committee wanted to discuss the suggested changes individually. Mr. Webb made a motion to approve the suggested changes. Sheriff Arthur seconded. Mr. Bushnell noted that he appreciated Mr. Macon’s observation to add legal comments. Mr. Macon as proxy for Karl Hade recused himself from voting, The Committee voted, and the motion carried unanimously. Chairman Phelps thanked the CRC for their work.

Old Business:

Appointment of Members to the Curriculum Review Committees.

Chairman Phelps advised the Rules Related to Compulsory Minimum Training Standards for Law Enforcement Officers; Jailors, Court Security Officers, and Process Service Officers; and Dispatchers required the establishment of Curriculum Review Committees (CRC) to annually make and/or review suggestions for change to those standards. Ms. Kirkendall was asked to present the names of persons willing to undertake initial service on those committees. Ms.

Kirkendall informed that the Jail/Court Security/Civil Process Service Curriculum Review Committee was established in 2008. The members were set up to serve in one-, two-, and three-year terms until the members were established to serve three-year terms.

► **Law Enforcement Curriculum Review Committee – 2009 - 2011**

- James Chapman, Director, Roanoke County Criminal Justice Academy,
- William O’Toole, Director, Northern Virginia Criminal Justice Academy, and
- Lt. Sean Adams, Virginia Beach Police Academy.

Sheriff Phelps asked if there were any questions or comments. Hearing none, Chief Jacocks made a motion to accept all three of the nominees. Mr. Hodges seconded, and the nominees were approved for the Law Enforcement Curriculum Review Committee 2009 – 2011.

► **Jail/Court Security/Civil Process Service Curriculum Review Committee – 2009 – 2011**

- Elton Blackstock, Superintendent, Blue Ridge Regional Jail,
- Don Hunter, Director, Crater Criminal Justice Academy, and
- Cpl. Leslye Mebane, Newport News Sheriff’s Office.

Sheriff Phelps asked if there were any questions or comments. Hearing none, Chief Jacocks made a motion to accept all three of the nominees. Captain Terry seconded, and the nominees were approved for the Jail/Court Security/Civil Process Service Curriculum Review Committee 2009 – 2011.

► **Dispatcher Curriculum Review Committee – 2009 - 2011**

- Susan Barbour, Virginia State Police,
- April Corbin, Harrisonburg-Rockingham EOC, and
- Tom Hanson, Charlottesville/UVA/Albemarle EOC.

Sheriff Phelps asked if there were any questions or comments. Hearing none, Chief Jacocks made a motion to accept all three of the nominees. Mr. Vaughan seconded, and the nominees were unanimously approved for the Dispatcher Curriculum Review Committee 2009 – 2011.

Update on Campus and School Security Training Issues.

Chairman Phelps introduced Donna Bowman to provide brief updates on the projects and developments in the School and Campus Safety arena. Ms. Bowman informed that in 2006 the General Assembly passed legislation that tasked the Department to provide technical support and assistance to campus police departments and campus security departments. An advisory committee was selected to advise them on the variety of hybrid security systems across the state of Virginia. Ms. Bowman noted that Steve Clark and she were asked to lead the advisory committee. Onsite visits to campus security and police departments were conducted to ensure that training was appropriate for the officers’ roles.

Ms. Bowman stated draft regulations had been created and would be submitted as emergency regulations to coincide with the completion of the certification training program. She estimated it

would take between twenty-two (22) and thirty-two (32) hours to complete the program. The initial pilot would be offered in June 2009 and would be delivered in a traditional police training format in the classroom, taught online, or in a blended format (online and classroom). She noted that all testing would be done online. She indicated the Virginia Association of Campus Law Enforcement Administrators (VACLEA) would pilot the program with its instructors. The online version would be available in July 2009.

Ms. Bowman stated that emergency regulations would allow approximately one year for everyone to be certified. After that, there would be one hundred and eighty (180) days allowed for individuals to complete training.

Ms. Bowman advised that the General Assembly passed the Threat Assessment Project (COV 23-9.2:10) that “Each public college or university shall have in place policies and procedures for the prevention of violence on campus, including assessment and intervention with individuals whose behavior poses a threat to the safety of the campus community.” In concert with the University of Virginia, Virginia Tech, the State Council for Higher Education in Virginia (SCHEV), and the Virginia Department of Health a determination was being made regarding who would lead this process. This group established a partnership with UVA who had already established threat assessment guidelines for grades K – 12 schools. They held a forum July 2008 and conducted a survey as well as a focus group to determine what training and resources were needed. With that input, UVA Youth Violence Projected completed the “Recommended Practices for the Virginia College Threat Assessment Programs.”

Staff conducted three threat assessment trainings in April 2009, with approximately three hundred (300) participants from over sixty-nine (69) colleges and universities across the Commonwealth. Ms. Bowman noted evaluations were positive and expressed a need for additional training. She advised that Virginia Tech approached them regarding the feasibility of conducting a statewide conference on Threat Assessment Teams for Higher Education. Virginia Tech received a grant from the United States Department of Education. In collaboration with them, a forum December 2009 is planned with follow up training in 2010.

Ms. Bowman advised that a number of trainings were held in Winter/Spring 2009, which included:

- Applied Suicide Intervention Skills,
- Guidelines for College Threat Assessment Team Training,
- SRO and SSO Basic Trainings,
- Violence Prevention and Safety in Schools; Law and Policy Issues,
- Violence Prevention and Safety on Campus; Law and Policy Issues,
- Campus Connect; Suicide Prevention, and
- Threat Assessment Forum.

Ms. Bowman mentioned as of July 2008, the Department had staff available to provide technical assistance and training on Clery Act requirements. *[NOTE: The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses.]* Mr. Clark has completed one hundred and twenty hours of training as a Clery Act Specialist.

Ms. Bowman mentioned future priorities including online certification of Campus Security Officers as well as the development of additional training modules for campus security and police officers, providing technical assistance for threat assessment and violence prevention teams, and on-going Clery Act technical assistance. Of note, Youth Alcohol Drug Abuse Prevention Project (YADAPP), which had been held in conjunction with the Department of Motor Vehicles, Department of Education, the Governor's Office on Substance Abuse Prevention, and the DCJS, since 2000, was in its twenty-fifth (25th) year. YADAPP was transferred to the Department of Alcoholic Beverage Control as of January 2009.

Dr. Malcan mentioned his attendance at some of the law policies and threat assessment teams training sessions. He noted that these were complex and non-funded mandates. In light of budget cuts, the universities were struggling to manage. Sheriff Phelps noted that he had received a phone call from a chief of police regarding the trainings and wanted to know if the training was being allowed in the academies or if they were only available online. Ms. Bowman responded that the training would be available online and downloadable for any instructor who had been approved to teach the courses.

Academy Certification/Recertification

Chairman Phelps reminded the members that the Virginia Association of Directors of Criminal Justice Training's (VADCJT) report was deferred to the May meeting. He introduced Ron Staton, President, VADCJT, and Vince Ferrara, Director, Hampton Roads Criminal Justice Training Academy, to report on the association's suggestions regarding academy re-certification, training exemptions, and field training. Mr. Staton referred to the documents that were presented to the members. He noted that Mr. Baker had recently met with the association. He also advised that the VADCJT had received documents from the Department, which took away the guidance that the COT had given the association in 2008. Mr. Staton reminded that Mr. Bushnell had also asked for levels of compliance and that Mr. Webb had asked for guidance on how the academies would meet the standards. Mr. Staton informed that the VADCJT wanted to revisit the documents to finalize them.

Sheriff Phelps asked if the VADCJT would be able to meet prior to the June meeting of the COT. Mr. Ferrara responded that the association was looking for the Committee on Training to give them guidance. Mr. Baker mentioned that he had given the documents to Mr. Staton and Mr. Ferrara and they would work collaboratively to bring suggestions back to the COT 's June meeting.

Sheriff Phelps asked for comments and questions. Mr. Bushnell acknowledged that he appreciated the idea of staff working with the associations to develop a document that represented the consensus of the two entities. The COT agreed.

New Business:

Newport News Police Department Training Academy Request

Chairman Phelps mentioned that Chief James D. Fox, Newport News Police Department, had sent a letter to the Department requesting to present his agency's request for a new independent training academy to the Committee on Training. (*Copies of the letter from Newport News Police Department along with supporting documentation and a response from the Director were distributed to the members.*) Chief Fox indicated that the Newport News Police Department (NNPD) was one of the original charter members of the Hampton Roads Criminal Justice Training Academy (HRCJTA). He advised that the crime rate in the City of Newport News was ranked third in the state behind Richmond and Norfolk. He noted that their department took over a thousand guns off the streets each year and a staff of more than six hundred (600) personnel. He stated that his department dealt with a number of urban community related social and how critical it is to hire appropriate individuals and train/educate accordingly.

Chief Fox advised that crime in his area was down about ten percent. He provided some background that included becoming a satellite facility to HRCJT in 2000.. They had trained over two hundred (200) police officers and average about twenty to thirty (20 – 30) individuals in each academy. He indicated that their facility was also in the process of starting another school July 2009. Chief Fox noted that they were not leaving HRCJTA because HRCJTA did not provide adequate training and made it clear that Newport News would support HRCJTA as needed with the use of Newport News' facilities, equipment, and instructors. He noted officers would receive seventeen to eighteen (17 – 18) weeks of training at HRCJTA and additional training when they returned to Newport News, totaling about twenty-one (21) weeks of training.

Chief Fox indicated that they brought this issue to the attention of HRCJTA during a strategic planning meeting. He also made them aware that they were planning to withdraw from the academy because of the complexities of their situation in Newport News. The agency received approval from HRCJTA and its board. He advised that there was a Memorandum of Understanding (MOU) between NNPD and HRCJTA; the City of Newport News drafted a resolution; and the General Assembly passed legislation allowing for the creation of a new independent academy in their area. He concluded that his department was leaving the academy because they needed to train their officers in a different manner specific to their situation.

Chairman Phelps asked for questions or comments from the Committee. Mr. Bushnell asked what other police agencies were trained at HRCJTA. Mr. Ferrara responded there were forty-seven (47) different agencies trained at HRCJTA. Chief Fox noted they were the largest city trained at the academy, including Suffolk and Williamsburg. He added that Newport News contributed most of the funding (\$80,000). He mentioned that Mr. Ferrara had been supportive of this move and reminded that their agency would continue to allow HRCJA to use their range, facilities, etc. Mr. Webb asked what would be the financial impact of the withdrawal on the academy with NNPD being the largest agency. Chief Fox referred to the MOU and their financial agreement, the City of Newport News would pay the following amounts to HRCJTA:

- FY 2010 - \$47,952
- FY 2011 - \$31,968
- FY 2012 - \$15,984

- FY 2013, and thereafter - \$0.

Mr. Webb referred to the letter Director Cooke sent to NNPd in response to the request. He asked if the Board of Directors of HRCJTA had approved the withdrawal. Chief Fox responded they had. Mr. Bushnell asked if the City of Newport News continued to provide use of the facilities to the academies for free. Chief Fox responded that NNPd owned the buildings. He added he understood the financial impact of the largest agency leaving the academy. Chief Jacocks noted it was clear that the NNPd had worked with the academy to reach an understanding. He acknowledged that there was a huge benefit to be gained by the agency running its own academy to start ingraining the culture of the organization. He indicated that he fully supported the request.

Captain Terry referred to the City's contributing \$80,000 to HRCJTA and asked how much it would cost NNPd to run its own academy. Chief Fox responded that they were already running their own academy although it was a satellite facility.

Mr. Hodges asked if NNPd's staff was providing training to HRCJTA and if they would continue to do so. Chief Fox indicated that they had discussed this in the strategic planning process and there would be no cost of paying instructors if NNPd continued to provide them to HRCJTA.

Mr. Bushnell mentioned that he had seen how important training was to the culture of law enforcement. He complemented the congenial nature of the proposal for all concerned. He indicated his understanding for the needs of a large urban department to establish a culture of excellence and he saw no reason to oppose the request. Chief Fox added he attended Virginia Commonwealth University along with Sheriff V. Stuart Cook, Hanover Sheriff's Office, who was also present at the meeting.

Sheriff Phelps commented that he had been present at several of Chief Fox's sessions at the academy. He mentioned that the academy took a close look at the financial impact of the agency's withdrawal in conjunction with the fact that NNPd owned the satellite facility building. He noted that although the academy recognized the impact of NNPd's withdrawal the agency was a short distance away and could be contacted for any assistance. He also indicated the NNPd had been a backup for the Isle of Wight Sheriff's Office and he would support the request.

Hearing no other comments, Mr. Bushnell made a motion that the Committee on Training to recommend to the CJSB that NNPd be authorized to start a new academy. Captain Terry seconded, and the motion was carried unanimously.

Hanover County Sheriff's Office Training Academy Request

Chairman Phelps advised that the Hanover County Sheriff's Office had also sent a letter to the Department asking to present to the Committee on Training their request for a new independent academy and introduced Sheriff Stuart Cook. *(Copies of the letter from Hanover County Sheriff's Office along with supporting documentation and a response from the Director were distributed to the members.)* Sheriff Cook stated he had been with the Hanover SO since 1990, a

member of the Board of RRCJA, and had enjoyed a great relationship with the Rappahannock Regional Criminal Justice Academy (RRCJA) and David Vice. He noted Hanover County's situation was similar to that of the Newport News Police Department.

In 1987, they started a satellite facility for RRCJA as travel to and from the academy was costly. He mentioned that there was a Memorandum of Understanding (MOU) between Hanover and the RRCJA signed by the academy's board. The Hanover County Sheriff's Office has agreed to pay RRCJA for an additional year, beyond the state requirement. Sheriff Cook noted if the RRCJA had an overflow of students in a basic academy, Hanover agreed to take the additional recruits at no extra cost. He indicated if RRCJA discovered they did not have the minimum amount of students for a class, Hanover SO would allow the students admittance into their schools.

Sheriff Cook informed that the County Administrator and the Board of Supervisors had agreed to continue to fund personnel to staff the academy as they had while Hanover SO functioned as a satellite facility for RRCJA. During the year 2002-2003, they paid approximately \$40,000, approximately \$70,000 in '08 – '09, and anticipated payment of approximately \$72,000 for '09 – '10. He noted that although they would have to hire administrative support to set up records, etc., they would also be saving money in the long run.

Hearing no questions, Sheriff Phelps asked about the maintenance of records. Sheriff Cook responded that RRCJA would not be managing Hanover SO's records, as Hanover would have the staff to manage their records according to the Department's standards.

Mr. Bushnell indicated his concern that other agencies might consider leaving RRCJA and become a member of the academy at the Hanover County Sheriff's Office. Sheriff Cook noted that Hanover SO was the largest agency with RRCJA with approximately two hundred and fifty (250) personnel (law enforcement officers, court officers, and other personnel). He noted other agencies average approximately ten (10) individuals. He also reference the MOU signed by all parties.

Mr. Baker commented that with the reorganization of the Department there would be additional staff to assist with academy re-certifications. He noted that there should not be a significant impact on staff at DCJS as long as the agencies had staff to send information to the Department electronically.

Sheriff Phelps asked for comments. Mr. Hodges made a motion to start a new independent academy for the Hanover County Sheriff's Office. Dr. Malcan seconded, and the motion was carried unanimously.

Due to time constraints, Sheriff Phelps asked if the Report on the Meeting Related to Interest in a Separate Court Security Certification, the Report Related to Numbering Changes in the Standards, and the Election of Officers be deferred to the next meeting. Chief Jacocks made the motion to defer those items. Mr. Vaughan seconded, and the motion was approved unanimously.

Public Comment

Sheriff Phelps asked if there was anyone in the audience that would like to address the COT concerning matters within its purview. Hearing none, he moved to the next item.

Next Meeting

Sheriff Phelps advised that the next meeting of the Committee on Training was scheduled for Thursday, June 11, 2009.

Adjournment

A motion was made by Mr. Hodges to adjourn the meeting. The motion was seconded by Chief Jacocks and was carried unanimously. The meeting was adjourned at 10:55 a.m.

Respectfully submitted,

Thomas E. Nowlin
Recording Secretary

Approved:

The Honorable Charles W. Phelps
Chair

Date

Attachment(s)